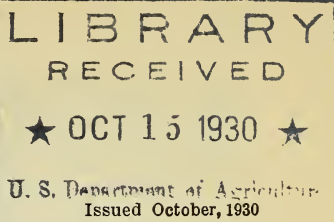


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the insecticide act]

1176-1190

[Approved by the Secretary of Agriculture, Washington, D. C., September 19, 1930]

1176. Misbranding of Chloro-Crystals. U. S. v. Rufus John Ruglen (Eaudemort Laboratories). Plea of guilty. Fine, \$100. (I. & F. No. 1490. Dom. No. 23432.)

On November 30, 1928, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Rufus John Ruglen, trading as the Eaudemort Laboratories, Detroit, Mich., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about November 16, 1927, from the State of Michigan into the State of Ohio, of a quantity of Chloro-Crystals, which was a misbranded insecticide and fungicide within the meaning of said act.

Analysis of a sample of the article by this department showed that it consisted of paradichlorobenzene, with small amounts of methyl salicylate and pink coloring.

It was alleged in the information that the article was misbranded in that the statements, to wit, "Special Use daily in Bathroom, Garbage Can, Living Room, Bedrooms, Basement, for overcoming odors of Cooking, Domestic Animals, Tobacco Smoke, etc.," borne on the label affixed to the cans containing the said article, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would overcome all odors of cooking, domestic animals, tobacco smoke, etc., whereas the article, when used as directed, would not overcome all odors of cooking, domestic animals, tobacco smoke, etc.

It was further alleged in the information that there had been shipped with the article certain circulars, one of each of which had been annexed to the information and marked "Circular A" and "Circular B," respectively. Misbranding of the article was alleged for the further reason that certain statements contained in the said circulars were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would act as a disinfectant; would overcome all disagreeable odors; would improve the health; would, in evaporating, give off chlorine gas; would relieve hay fever; did contain free or available chlorine; would make offices more healthful; and would be an effective treatment for and a protection against influenza, gripe, nasal catarrh, hay fever, asthma, colds, and other diseases of the breathing organisms; would purify the air; would fulfill all the claims made for the product by the manufacturers; would keep the home free from all sorts of odors and would purify the air; would eliminate all odors in hotels; would overcome all odors in hospital wards; would eliminate all odors and purify the air in waiting rooms, smoking rooms, and toilets of stations; would eliminate odors of all kinds and purify the air in

banks, vaults, libraries, restaurants, cafes, all kinds of institutions, churches, schools, colleges, public buildings, undertakers, morgues, mausoleums, pool and billiard halls and stores of all kinds, fish markets, public markets, etc.; would destroy odors by chemical action; would relieve one of hay fever, catarrh, asthma, colds, etc.; would act like chlorine; would have a therapeutic effect; would fulfill all the claims made for it by the manufacturers; would keep the house free from all sorts of odors; would disinfect the air in the home, would free it from disease-carrying bacteria, would protect the health of everyone in the house and would disinfect the home; would be an effective remedy against moths, under all conditions, and would exterminate moths; would be an effective remedy against clothes moths in clothes closets, trunks, cedar chests, overstuffed furniture, pianos, rugs, carpets, moth-infested garments, etc.; would be an effective remedy against mosquitoes, bedbugs, flies, fleas, etc.; would produce 100 per cent results and would be 100 per cent effective in all cases; that moth balls packed away in clothing do not kill moths and their larvae therein; would be an effective remedy against moths in all cases and under all conditions; and would give 100 per cent protection in all cases; whereas the said article, when used as directed, would not act as a disinfectant; would not overcome all disagreeable odors; would not improve the health; would not, in evaporating, give off chlorine gas; would not relieve hay fever; did not contain free or available chlorine; would not make offices more healthful, and would not be an effective treatment for, and a protection against, influenza, grippe, nasal catarrh, hay fever, asthma, colds, and other diseases of the breathing organisms; would not purify the air; would not fulfill all the claims made for the product by the manufacturers; would not keep the home free from all sorts of odors and would not purify the air; would not eliminate all odors in hotels; would not overcome all odors in hospital wards; would not eliminate all odors and purify the air in waiting rooms, smoking rooms, and toilets of stations; would not eliminate odors of all kinds and purify the air in banks, vaults, libraries, restaurants, cafes, all kinds of institutions, churches, schools, colleges, public buildings, undertakers, morgues, mausoleums, pool and billiard halls and stores of all kinds, fish markets, public markets, etc.; would not destroy odors by chemical action; would not relieve one of hay fever, catarrh, asthma, colds, etc.; would not act like chlorine; would not have a therapeutic effect; would not fulfill all the claims made for it by the manufacturers; would not keep the house free from all sorts of odors; would not disinfect the air in the home; would not free it from disease-carrying bacteria; would not protect the health of everyone in the house, and would not disinfect the home; would not be an effective remedy against moths, under all conditions, and would not exterminate moths; would not be an effective remedy against clothes moths in clothes closets, trunks, cedar chests, overstuffed furniture, pianos, rugs, carpets, moth-infested garments, etc.; would not be an effective remedy against mosquitoes, bedbugs, flies, fleas, etc.; would not produce 100 per cent results and would not be 100 per cent effective in all cases; would not be an effective remedy against moths in all cases and under all conditions; would not give 100 per cent protection in all cases; and moth balls packed away in clothing do kill moths and their larvae therein.

On February 24, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1177. Adulteration and misbranding of Green Cross Nico-Tone. U. S. v. Five 100-pound Drums, et al., of Green Cross Nico-Tone. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1501. S. No. 190.)

On June 4, 1929, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of five 100-pound drums and twenty-five 25-pound drums of Green Cross Nico-Tone. It was alleged in the libel that the article had been shipped on or about January 20, 1929, by the Lucas Kil-Tone Co., Vineland, N. J., from the State of New Jersey into the State of Georgia, and that having been so transported it remained unsold in the original unbroken packages at Macon, Ga., and that it was an adulterated and misbranded insecticide within the meaning of the insecticide act of 1910.

It was alleged in the libel that the article was adulterated in that the statements, to wit, "Nicotine 2.75%, 3.25% Inert Ingredients 96.75%-97.25%,"

borne on the label affixed to each of the drums containing the said article, represented that the standard and quality of the article were such that it contained nicotine in the proportion of not less than 2.75 per cent, and contained inert ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 97.25 per cent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 2.75 per cent of nicotine, and more than 97.25 per cent of inert ingredients.

Misbranding was alleged for the reason that the above-quoted statements borne on the label were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained nicotine in the proportion of not less than 2.75 per cent and contained inert ingredients in the proportion of not more than 97.25 per cent; whereas the article contained less than 2.75 per cent of nicotine and more than 97.25 per cent of inert ingredients.

On December 23, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1178. Misbranding of Kill-It. U. S. v. South Jersey Chemical Co. (Inc.).
Plea of guilty. Fine, \$100. (I. & F. No. 1506. Dom. No. 23152.)

On November 14, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the South Jersey Chemical Co. (Inc.), a corporation, Vineland, N. J., alleging shipment by said company in violation of the insecticide act of 1910, on or about May 25, 1927, from the State of New Jersey into the State of Delaware, of a quantity of Kill-It, which was a misbranded insecticide and fungicide within the meaning of said act.

Analysis of a sample of the article by this department showed that it consisted primarily of mineral oil, and paradichlorobenzene, with a very small amount of essential oil.

It was alleged in the information that the article was misbranded in that the statements, to wit, "Disinfectant * * * Directions for Use For disinfecting * * * Rooms—Close windows and spray in the air about two ounces of Kill-It to every medium-size room. Close the door and in a few hours the room will be ready for use. * * * Directions Never dilute—Kill-It is ready for use. Use a good atomizer spray. It is absolutely harmless. Its pleasant odor freshens up the room wherever it is sprayed and produces a healthy, wholesome atmosphere. It kills germs, prevents diseases, treats diseases. * * * Disinfection of Rooms. Close windows, fill the room with fumes of Kill-It, close the door. Open the door after two hours and the room is practically disinfected * * * Disinfection is also obtained by spraying in the room while occupied. 'Kill-It' is not irritating, so it is the safest disinfecting spray that could be used while patient is in the room. Wherever you think to disinfect * * * any place or furniture, clothing, etc. have in your mind Kill-It Disinfectant Spray. It does the work. Does not stain, does not corrode, but kills germs and parasites. Just Spray it—We Guarantee the Rest. Kill-It kills pests and parasites almost instantly. * * * For Chickens, Lice, Depluming Mites—Spray heavily over the chickens (at night) while they roost. If sprayed directly on the birds, do not give a bath, it might irritate the skin. Kill-It penetrates the feathers and destroys those parasites. * * * Does not stain, does not corrode, but kills germs and parasites. Harmless to man or beast. * * * It is absolutely harmless, * * * produces healthy * * * atmosphere * * * To Prevent Diseases of Chickens, Pigeons, Ducks, Etc. * * * To Treat Diseases Chicken Pox * * * Roup and Cold * * * Canker * * * For Lice * * * on dogs, pigs, horses, cows, etc.," borne on the label affixed to each of the cans containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the article was a disinfectant, and when used as directed, would disinfect rooms, places, furniture, clothing, etc., would produce a healthy, wholesome atmosphere, would kill germs and would prevent diseases and be effective in the treatment of diseases, would be an effective remedy against all pests and all parasites and chicken lice and deplum-

ing mites; that it was harmless to man or beast and, when used as directed, would produce a healthy atmosphere, would prevent diseases of chickens, pigeons, ducks, etc., would be a competent treatment for chicken pox, roup, colds and canker, and would, without repeated use, be an effective control for lice on dogs, pigs, horses, cows, etc.; whereas the said article was not a disinfectant, it was not harmless, and when used as directed, would not be effective for the above purposes.

On December 13, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1179. Adulteration and misbranding of Plantobac. U. S. v. 7 Bags of Plantobac. Default decree of destruction entered. (I. & F. No. 1512. S. No. 198.)

On November 7, 1929, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 bags of Plantobac. It was alleged in the libel that the article had been shipped, on or about September 7, 1929, by the Uniform Products Co. (Inc.), from Yorklyn, Del., into the State of Pennsylvania, and that having been so transported it remained unsold in the original unbroken packages at Erie, Pa., and that it was an adulterated and misbranded insecticide within the meaning of the insecticide act of 1910.

It was alleged in the libel that the article was adulterated in that the statements, to wit, "Nicotine 1.00% Inert Ingredients 99.00%," borne on the tag attached to each of the bags containing the said article, represented that its standard and quality were such that it contained nicotine in the proportion of not less than 1 per cent, and contained inert substances, i. e., substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 99 per cent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 1 per cent of nicotine, and more than 99 per cent of inert ingredients.

Misbranding was alleged for the reason that the statements, to wit, "Nicotine 1.00% Inert Ingredients 99.00%," "Pulverized Tobacco Powder For dusting to protect plant life against Aphids, Thrips, Midge, Greenfly, Black-fly, Plant Lice, Etc. Highly recommended for dusting on plants, shrubs, vines, trees, vegetables and flowers—in Gardens, Truck Farms, Greenhouses, etc. Directions Simply sprinkle or dust Plantobac on at frequent intervals. It is easily applied either by hand or with a duster. Plantobac is very finely powdered which assures best results," borne on the said tag, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser. In that they represented that the article contained not less than 1 per cent of nicotine, and not more than 99 per cent of inert ingredients, and when used and applied as directed, would be an effective control for aphids, thrips, midge, green fly, black fly, plant lice, etc.; whereas the said article contained less than 1 per cent of nicotine and more than 99 per cent of inert ingredients, and when used and applied as directed, would not be an effective control for aphids, thrips, midge, green fly, black fly, plant lice, etc.

On March 7, 1930, no claimant having appeared for the property, judgment was entered finding the product adulterated and misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1180. Adulteration and misbranding of beetle dust. U. S. v. 19 Cartons, et al., of Beetle Dust. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1513. S. No. 201.)

On December 4, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 cartons, each containing twenty-four 1-pound bags, and 2 cartons, each containing six 4-pound bags of beetle dust. It was alleged in the libel that the article had been shipped on or about May 23, 1929, by the Sherwin-Williams Co., Bound Brook, N. J., from the State of New Jersey into the State of Pennsylvania, and that having been so transported, it remained in the original unbroken packages at Philadelphia, Pa., and that

it was an adulterated and misbranded insecticide within the meaning of the insecticide act of 1910.

Adulteration of the article was alleged in the libel for the reason that it was intended for use on vegetation, and when used on vegetation as directed by the label, would be injurious to the foliage thereof.

Misbranding was alleged for the reason that the statements, to wit, "Arsenic in water soluble form as metallic not more than 0.2%," with respect to the portion of the article contained in 1-pound bags, "Water Soluble Arsenic (as Metallic) not over .2%," with respect to the portion of the article contained in the 4-pound bags, and "Beetle Dust for the Control of the Mexican Bean Beetle, * * * Dust the young bean plants as soon as the first leaves appear * * * Beetle Dust is an excellent dust for melons and other plants infested with certain chewing insects," with respect to both lots, borne on the labels affixed to the bags containing the article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained arsenic in water-soluble form, as metallic, in the proportion of not more than 0.2 per cent, and when used as directed, could be used safely on the foliage of beans, melons, and other plants; whereas the said article contained arsenic in water-soluble form, as metallic, in a proportion greater than 0.2 per cent, and could not be used safely on the foliage of beans, melons, and other plants, but such use would cause serious injury to the foliage thereof.

Adulteration was alleged with respect to the portion of the product contained in 1-pound bags for the further reason that the statement, to wit, "Sodium Fluosilicate 5%," borne on the label, represented that its standard and quality were such that it contained sodium fluosilicate in the proportion of not less than 5 per cent; whereas the strength and purity of the said portion of the article fell below the professed standard and quality under which it was sold in that it contained less than 5 per cent of sodium fluosilicate.

Misbranding of the portion of the product contained in 1-pound bags was alleged for the further reason that the statement, to wit, "Sodium Fluosilicate 5%," borne on the label, was false and misleading, and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser, in that it represented that the said portion of the article contained not less than 5 per cent of sodium fluosilicate; whereas it contained less than 5 per cent of sodium fluosilicate.

Misbranding was alleged with respect to the portion of the article contained in 4-pound bags for the further reason that it consisted partially of inert substances or ingredients, to wit, substances other than calcium arsenate, sulphur, and sodium silicofluoride, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each and every one of the said inert substances so present in the article were not stated plainly and correctly on the label affixed to each of the said 4-pound bags; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of inert ingredients stated plainly and correctly on the said label.

On January 2, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1181. Adulteration and misbranding of Green Cross Beetle Mort. U. S. v. Forty-six 1-Pound Packages of Green Cross Beetle Mort. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1521. S. No. 209.)

On April 8, 1930, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of forty-six 1-pound packages of Green Cross Beetle Mort. It was alleged in the libel that the article had been shipped on or about February 28, 1930, by the Lucas Kil-tone Co., Vineland, N. J., from the State of New Jersey into the State of Massachusetts, and that having been so transported it remained unsold in the original unbroken packages at Boston, Mass., and that it was an adulterated and misbranded insecticide within the meaning of the insecticide act of 1910.

Adulteration of the article was alleged in the libel for the reason that it was intended for use on vegetation, and when used on certain vegetation as directed by the label, it would be injurious to the foliage thereof.

Misbranding was alleged for the reason that the statements regarding the article, to wit, "For Killing * * * Flea Beetles and Other Leaf-Eating Insects. To Be Applied as a Dust * * * For * * * Melons * * * Water Soluble Arsenic (Expressed as Metallic), not more than 1.00% * * * The seller guarantees the material sold to be true to label, if labeled," borne on the label affixed to the packages containing the said article, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, could be so used safely on the foliage of melons, that it contained water-soluble arsenic (expressed as metallic) in the proportion of not more than 1 per cent, and that it was true to label; whereas the said article could not be so used safely on the foliage of melons, but such use would prove seriously injurious to such foliage under certain conditions, it contained water-soluble arsenic (expressed as metallic) in a proportion much greater than 1 per cent, and it was not true to label, but did contain much more water-soluble arsenic (expressed as metallic) than was claimed on the label.

On April 30, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1182. Misbranding of Kalosecta No. 2. U. S. v. M. C. Reed and Carl Reed (M. C. Reed & Son). Pleas of guilty. Fines, \$2. (I. & F. No. 1497. Dom. No. 22166.)

On October 16, 1929, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against M. C. Reed and Carl Reed, a partnership trading as M. C. Reed & Son, Carthage, Mo., alleging shipment by said defendants, in violation of the insecticide act of 1910, on or about March 18, 1927, from the State of Missouri into the State of Illinois, of a quantity of Kalosecta No. 2, which was a misbranded insecticide and fungicide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statements, to wit, "Reed's Kalosecta No. 2. Use on * * * Cucumbers for the Nematode blight, and lettuce for crown-rot * * * Save the Roots and You Save the Life. Reed's Kalosecta A Soil Insecticide * * * Healthy Roots Free from Insects Insures a Healthy Tree. Insect Infested Roots Leaves Turn Brown and Fall Prematurely—eventually causes death. Use on tomatoes * * * to stop the Aphis blight, Cucumbers for the Nematode blight," borne on the label affixed to the cans containing the article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the article, when used as directed, would be a satisfactory treatment for nematode blight of cucumbers and for crown rot of lettuce, would be an effective remedy against all insects that infest the roots of plants and trees, and against aphids and nematodes; whereas the said article, when used as directed, would not be effective for the said purposes.

On January 13, 1930, the defendants entered pleas of guilty to the information, and the court imposed fines totaling \$2.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1183. Misbranding of Reed's Kalosecta. U. S. v. M. C. Reed. Plea of guilty. Fine, \$20. (I. & F. No. 1428. Dom. No. 20124.)

On March 30, 1927, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against M. C. Reed, Carthage, Mo., alleging shipment by said defendant in the name of the United Chemical Co., in violation of the insecticide act of 1910, on or about December 13, 1924, from the State of Missouri into the State of Illinois, of a quantity of Reed's Kalosecta, which was a misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statements, to wit, "Sodium Hydroxide 1.52% * * * Nicotine .25% * * *

Save the Roots and You Save the Life. Reed's Kalosecta A Soil Insecticide for Tree Insects. Reed's Kalosecta is a soil insecticide for destroying insects in the soil and around the roots. * * * Healthy Roots Free from Insects Insures a Healthy Tree. Insect Infested Roots Leaves Turn Brown and Fall Prematurely—Eventually Causes Death," borne on the label affixed to the cans containing the said article, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained sodium hydroxide in the proportion of not less than 1.52 per cent and contained nicotine in the proportion of 0.25 per cent, and when used as directed would be an effective remedy against all tree insects, all insects infesting or attacking the roots of trees, and against all insects in the soil and around the roots of trees; whereas the said article contained no sodium hydroxide, it contained less than 0.25 per cent of nicotine, and when used as directed it would not be an effective remedy against all tree insects, all insects infesting or attacking the roots of trees, and would not be an effective remedy against all insects in the soil and around the roots of trees.

On June 3, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1184. Misbranding of Zobeline. U. S. v. Ernst Zobel Co. (Inc.). Plea of guilty. Fine, \$100. (I. & F. No. 1486. Dom. No. 23828.)

On March 13, 1930, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ernst Zobel Co. (Inc.), a corporation, Brooklyn, N. Y., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about September 16, 1927, from the State of New York into Porto Rico, of a quantity of Zobeline, which was a misbranded fungicide within the meaning of said act.

It was alleged in the information that the article was misbranded in that it consisted partially of an inert substance, to wit, water, that is to say, a substance that does not prevent, destroy, repel, or mitigate fungi, and the name and percentage amount of the said inert substance so present in the article were not stated plainly and correctly on each or any label borne on or affixed to the drum containing the said article; nor, in lieu thereof, were the names and percentage amounts of each and every substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substance so present therein stated plainly and correctly on the said label.

On March 17, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1185. Adulteration and misbranding of Plantgard. U. S. v. National Products (Inc.). Plea of guilty. Fine, \$25 and costs. (I. & F. No. 1504. Dom. No. 24032.)

On September 27, 1929, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Products (Inc.), a corporation, Quincy, Ill., alleging shipment by said company, in violation of the insecticide act of 1910, on or about June 1, 1927, from the State of Illinois into the State of Missouri, of a quantity of Plantgard, which was an adulterated and misbranded insecticide and fungicide within the meaning of said act.

It was alleged in the libel that the article was adulterated in that the statements, to wit, "Active Ing. Naphthalene 3%, Sodium Fluoride .05%, Pyrethrum .05%, Sulphate 1%, Sulphur 10%, Trace Nicotine. Inert Ing. 85%," borne on the label affixed to the carton containing the said article, represented that its standard and quality were such that it contained naphthalene in the proportion of not less than 3 per cent, contained pyrethrum in the proportion of not less than 0.05 per cent, contained sulphate in the proportion of 1 per cent, and contained inert ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects or fungi, in the proportion of not more than 85 per cent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 3 per cent of naphthalene, it contained no pyrethrum, it contained more than 1 per cent of sulphate, and more than 85 per cent of inert ingredients.

Adulteration was alleged for the further reason that the statement, to wit, "Pyrethrum .05%," borne on the said label, represented that the article contained not less than 0.05 per cent of pyrethrum; whereas it contained no pyrethrum, but other substances had been substituted therefor.

Misbranding was alleged for the reason that the statements, to wit, "Active Ing. Naphthalene 3%, Sodium Fluoride .05%, Pyrethrum .05%, Sulphate 1%, Sulphur 10%, Trace Nicotine. Inert Ing. 85%," borne on the label, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained not less than 3 per cent of naphthalene, not less than 0.05 per cent of pyrethrum, contained 1 per cent of sulphate, and not more than 85 per cent of inert ingredients; whereas the said article contained less than 3 per cent of naphthalene, it contained no pyrethrum, it contained more than 1 per cent of sulphate, and more than 85 per cent of inert ingredients.

Misbranding was alleged for the further reason that the statements, to wit, "Plantgard is to be used against certain garden insects including cabbage worms, green bugs, plant lice * * * as well as insects that infest pumpkins, cucumbers, melons, and pickle vines, also numerous other shrubbery, vines, flowers, and garden vegetables," borne on the said label, were false and misleading; and by reason thereof the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective control for cabbage worms, green bugs, all plant lice, and all insects that infest pumpkins, cucumbers, melons, pickle vines, shrubbery, vines, flowers, and garden vegetables; whereas the said article, when used as directed, would not be effective for the said purposes.

Misbranding was alleged for the further reason that the article consisted partially of inert substances and ingredients, to wit, substances other than sulphur, naphthalene, sodium fluoride and nicotine, namely, substances that do not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amounts of each and every one of the said inert substances or ingredients were not stated plainly and correctly on the label affixed to the cartons containing the article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients so present therein, stated plainly and correctly on the said label.

On April 7, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1186. Misbranding of Reliance lice and mite killer. U. S. v. Fannie McDaniel. Tried to the court and a jury. Verdict of guilty. Fine, \$30. (I. & F. No. 1463. Dom. No. 22196.)

On January 6, 1928, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fannie McDaniel, El Paso, Tex., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about March 28, 1927, from the State of Texas into the State of Illinois, of a quantity of Reliance lice and mite killer, which was a misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statements regarding the said article, to wit, "89.69% Water Inert" and "Reliance Lice and Mite Killer Given only in the drinking water. Rids Fowls of Lice, Mites and Blue Bugs, Stick-tight fleas and other blood-sucking insect pests. * * * Directions—One teaspoonful to two gallons of water and give the fowls to drink. Lice and fleas will disappear quicker than mites and blue bugs for the reason that most of the mite family live in the poultry houses and attack fowls on the roosts, so it takes longer to clear the whole tribe out, persistent use of the remedy will do it. 4 or 5 days treatment twice a month will keep them permanently away. Fowls that have been infested with vermin are subject to colds, etc. To prevent this we advise a treatment of Reliance Roup and canker remedy after using the Lice and Mite Remedy. Reliance Lice and Mite Remedy is the only successful internally given Remedy ever offered under guarantee and without injury to fowl or imparting noxious taste

or odor to the flesh or the eggs," borne on the label of the bottle containing the article, and on the wrappers, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained inert ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects when used as directed, in the proportion of not more than 89.69 per cent, and when used as directed would be an effective remedy against lice, mites, blue bugs, fleas, sticktight fleas, and all other vermin and bloodsucking insect pests on fowls; whereas the said article consisted entirely of inert ingredients when used as directed, and when used as directed, would not be an effective remedy against lice, mites, blue bugs, fleas, sticktight fleas, and all other vermin and bloodsucking insect pests on fowls.

Misbranding was alleged for the further reason that the article consisted completely of inert substances, that is to say, substances that do not prevent, destroy, repel, or mitigate insects when used as directed, and the name and percentage amount of each and every one of the said inert substances or ingredients so present in the article were not stated plainly and correctly, or at all, on the label affixed to the bottles containing the article, or on the wrappers inclosing the said bottles.

On April 25, 1930, the case came on for trial before the court and a jury. On April 26, 1930, the jury having heard the evidence and having been duly charged by the court, returned a verdict of guilty on all counts of the information, and the court imposed a fine of \$30.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1187. Adulteration and misbranding of Amerco dry insecticide. U. S. v. 20 Pails of Amerco Dry Insecticide. Default decree of condemnation and destruction. (I. & F. No: 1522. S. No. 208.)

On April 10, 1930, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 pails of Amerco dry insecticide. It was alleged in the libel that the article had been shipped on or about February 18, 1930, by the American Feed & Milling Co., Council Bluffs, Iowa, from the State of Iowa into the State of Nebraska, and that having been so transported, it remained unsold in the original unbroken packages at Omaha, Nebr., and that it was an adulterated and misbranded insecticide, other than Paris green and lead arsenate, within the meaning of the insecticide act of 1910.

It was alleged in the libel that the article was adulterated in that the statements, "Active Ingredients 36.00% Consisting of Naphthalene 30% Powdered Tobacco Nicotine 1%, Sulphur 2.25%, Crude Carbolic Acid 1.25%, Creosote Oil 1.50%, Total Inert Matter 64.00%," borne on the label affixed to the pails containing the article, represented that its standard and quality were such that it contained not less than 30 per cent of naphthalene, 1 per cent of nicotine, 2.25 per cent of sulphur, 1.25 per cent of crude carbolic acid, and 1.50 per cent of creosote oil and contained total inert matter, namely, substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 64 per cent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 30 per cent of naphthalene, less than 1 per cent of nicotine, less than 2.25 per cent of sulphur, less than 1.25 per cent of crude carbolic acid, and less than 1.50 per cent of creosote oil, and contained total inert matter in a proportion greater than 64 per cent.

Misbranding was alleged for the reason that the above-quoted statements borne on the label were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained not less than 30 per cent of naphthalene, 1 per cent of nicotine, 2.25 per cent of sulphur, 1.25 per cent of crude carbolic acid, 1.50 per cent of creosote oil, and contained total inert matter in the proportion of not more than 64 per cent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 30 per cent of naphthalene, less than 1 per cent of nicotine, less than 2.25 per cent of sulphur, less than 1.25 per cent of crude carbolic acid, less than 1.50 per cent of creosote oil, and contained inert matter in a proportion greater than 64 per cent.

On June 3, 1930, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1188. Adulteration and misbranding of Dr. David Roberts germ killer.
U. S. v. Dr. David Roberts Veterinary Co. Plea of guilty. Fine,
\$25. (I. & F. No. 1435. Dom. No. 21855.)

On March 19, 1929, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dr. David Roberts Veterinary Co., a corporation, Waukesha, Wis., alleging shipment by said company, in violation of the insecticide act of 1910, on or about April 29, 1926, from the State of Wisconsin into the State of Oregon, of a quantity of Dr. David Roberts germ killer, which was an adulterated and misbranded fungicide within the meaning of said act.

It was alleged in the information that the article was adulterated in that the statement, to wit, "Contains Inert Substance Water 5%," borne on the label affixed to the cans containing the article, represented that its standard and quality were such that it contained an inert substance, namely, a substance or substances that do not prevent, destroy, repel, or mitigate fungi (bacteria), in the proportion of not more than 5 per cent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained inert substances in a proportion much greater than 5 per cent.

Misbranding was alleged for the reason that the statement, "Contains Inert Substance Water 5%," borne on the said label, was false and misleading; and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser, in that it represented that the article contained but one inert substance, and that it contained water in the proportion of not more than 5 per cent; whereas it contained more than one inert substance, to wit, water and mineral oil, and contained water in a proportion greater than 5 per cent.

Misbranding was alleged for the further reason that the statements, to wit, "Germ Killer For Washing Wounds of all kinds * * * Directions for Making Germ Killer Solution. Use two teaspoonfuls to one quart of water. Use one tablespoonful to one-half gallon of water. Use two tablespoonfuls (or one ounce) to one gallon of water. This solution is valuable as an antiseptic for washing and cleansing all kinds of wounds, both superficial and deep seated, also for cleansing the hands, instruments and the seat of operation," borne on the said label, were false and misleading; and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used at the dilution recommended on the label, would disinfect wounds, hands, instruments, and the seat of operation; whereas the said article when used at the dilution recommended, would not disinfect wounds, hands, instruments, and the seat of operation. Misbranding was alleged for the further reason that the statements, to wit, "Dr. David Roberts Germ Killer Solution is used for washing wire cuts, broken knees, open joints, collar boils, shoe boils, fistulous withers, poll evil, pus cavities, quarter cracks, quittor, gravel in foot, sore neck, sore back, foot rot," borne on the label, were false and misleading; and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article would be effective in the treatment of wire cuts, broken knees, open joints, collar boils, shoe boils, fistulous withers, poll evil, pus cavities, quarter cracks, quittor, gravel in foot, sore neck, sore back, and foot rot; whereas the said article when used at the dilution recommended on the label, would not be effective in the treatment of wire cuts, broken knees, open joints, collar boils, shoe boils, fistulous withers, poll evil, pus cavities, quarter cracks, quittor, gravel in foot, sore neck, sore back, and foot rot, nor would it be effective in the treatment of all types and varieties of such conditions at any dilution.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, to wit, water and mineral oil, namely, substances that do not prevent, destroy, repel, or mitigate fungi (bacteria); and the name and percentage amount of each and every one of the said inert substances or ingredients so present in the article were not stated plainly and correctly on the label affixed to the cans containing the

article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substances or ingredients so present therein, stated plainly and correctly on the said label.

On February 27, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1189. Adulteration and misbranding of Enz-Odr. U. S. v. 15 5/6 Dozen Bottles of Enz-Odr. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1516. S. No. 205.)

On February 13, 1930, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 5/6 dozen bottles of Enz-Odr. It was alleged in the libel that the article had been shipped on or about May 23, 1929, and December 11, 1929, respectively, by the Republic Laboratories, (Inc.), Chicago, Ill., from the State of Illinois into the State of Wisconsin, and that having been so transported it remained unsold in the original unbroken packages at Milwaukee, Wis., and that it was an adulterated and misbranded insecticide and fungicide other than Paris green and lead arsenate, within the meaning of the insecticide act of 1910.

It was alleged in the libel that the article was adulterated in that the statements regarding the article, to wit, "Active Ingredients 8.56% Inert Ingredients 91.44%," borne on the labels affixed to the bottles containing the article, represented that its standard and quality were such that it contained active ingredients, namely, substances that prevent, destroy, repel, or mitigate insects or fungi, in the proportion of not less than 8.56 per cent, and contained inert ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects or fungi, in the proportion of not more than 91.44 per cent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained active ingredients in a proportion less than 8.56 per cent and contained inert ingredients in a proportion greater than 91.44 per cent.

Misbranding was alleged for the reason that the statements, to wit, "Active Ingredients 8.56% Inert Ingredients 91.44% * * * Enz-Odr Ends Odors * * * Non-Poisonous * * * Harmless * * * Disinfectant for Homes—Theatres—Hospitals and Public Buildings * * * Atmospheric Odors—Spray the room thoroughly, keeping the spray directed toward ceiling. Enz-Odr freshens the atmosphere and destroys fetid body odors and those resulting from cooking, tobacco, gasoline, chlorine, naphtha, congregations, excretions, decaying animal or vegetable matter, etc. Especially recommended for Homes, Hospitals, Theatres, Public Buildings, Restaurants, Factories, Bath Houses, Locker and Treatment rooms, etc. * * * Cooking Odors—Place a small quantity of Enz-Odr in an enamel cup or pot (do not use a metal container) and boil slowly on stove while cooking, or a dish towel may be saturated with Enz-Odr and hung over the stove, to prevent odors of cabbage, garlic, sausage, onion, sauerkraut, etc. Refrigerators—Iced or Iceless refrigerators are kept sanitary, odorless and fresh by frequent spraying of all chambers. Pour small quantity in drain pipe. Keep a small porcelain, china or enamel bowl containing sponge or ball of cotton soaked with Enz-Odr in food chamber to prevent tainting of one food with another. * * * Nursery—Spray room daily to insure freshness and sanitation, also mattresses and bed pads when musty or soiled by evacuations or bed-wetting. Vomiting and other odors are also destroyed by spraying. Sick Rooms—The atmosphere may be kept odorless and fresh by spraying once or twice daily. Sprinkle small amount in bed pans or toilet bowls before using. Rinse urinal with a few drops after washing and emptying. Surgical cases, such as cancer, artificial bowel opening, suppurating wound, etc., should be sprayed over dressings. The odors of lysol, chlorine, carbolic acid and other drugs are easily destroyed by Enz-Odr. Feminine Hygiene—Any offensive odors from Leucorrhea, after menstruation, or other vaginal discharges can be completely controlled by a douche of from one-half to three tablespoonfuls to a pint of warm water. Should be taken daily or every two to four days, depending upon severity of the case. Toilets, Bathrooms and Sinks—Spray upper air to destroy odors in atmosphere. Spray in and around outside base of bowl and pour small quantity in drains. Locker, Treatment and Rest Rooms, Turkish Baths, etc.—

Air can be kept fresh and odorless by spraying once or twice daily. Receptacles for towels, dressing, sanitary napkins, etc., are kept odorless by daily spraying. Garbage cans—Spray in and around cans daily. This prevents and destroys odors and also checks the breeding of flies and vermin. Out-houses (Privies) Catch Basins and Cesspools—Sprinkle quantity into pit or receptacle. Spray interior of house and in and around bases of receptacles frequently to eliminate odors and prevent breeding of vermin, flies and insects. Cellars and Musty Rooms—Regular spraying destroys and prevents musty and other obnoxious odors, and prevents breeding of vermin and insects. Kennels and Stables—Spraying daily destroys and prevents odors and the breeding of flies. Manure piles or other refuse heaps should be sprayed at regular intervals. Pour small quantity in drains. * * * Smoking Rooms, Billiard Halls, Shooting Galleries, etc.—Spraying the atmosphere completely cleans the air and destroys odors. Whenever or wherever you have an odor you wish to destroy, use Enz-Odr. * * * Makes the air as fresh and odorless as the ocean breeze," borne on the said bottle labels, and the statements, "Enz-Odr ends cooking odors Ends tobacco and household odors," borne on the display sign accompanying the article, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained 8.56 per cent of active ingredients, and not more than 91.44 per cent of inert ingredients, that it was a disinfectant and was nonpoisonous and harmless; and, when used as directed, would end all odors, would disinfect homes, theatres, hospitals and public buildings, would freshen the atmosphere and destroy fetid body odors and those resulting from cooking, tobacco, gasoline, chlorine, naphtha, congregations, excretions, decaying animal or vegetable matter, etc., would keep refrigerators sanitary, odorless and fresh and prevent tainting one food with another, would insure freshness and sanitation of the nursery, would render soiled or musty mattresses odorless and sanitary, and would destroy odors of vomiting, would keep the atmosphere of sick rooms odorless and fresh, and would destroy the odors of lysol, chlorine, carbolic acid, and other drugs, would control offensive odors of leucorrhea, would destroy odors in toilets, bathrooms, and sinks, and would act as an effective disinfectant in drains and around the base of the bowl, would keep the air of lockers, treatment and rest rooms, Turkish baths, etc., fresh and odorless and the various receptacles therein odorless, would destroy odors in garbage cans, would check the breeding of flies and vermin in garbage cans, would eliminate odors from outhouses (privies), catch basins, and cesspools, would prevent the breeding of all vermin, flies, and other insects in and around outhouses (privies), catch basins, and cesspools, would destroy and prevent musty and other obnoxious odors in cellars and musty rooms, would prevent the breeding of all vermin and all insects in cellars and musty rooms, would destroy and prevent odors from kennels, stables, manure piles, refuse heaps, and drains, would prevent the breeding of flies in kennels, stables, manure piles, refuse heaps, and drains, would completely clean the air and destroy the odors of smoking rooms, billiard halls, shooting galleries, etc., would destroy all odors whenever and wherever there may be one, would make the air fresh and odorless, would end cooking odors, tobacco odors, and all household odors; whereas the said article contained less than 8.56 per cent of active ingredients and more than 91.44 per cent of inert ingredients, it was not a disinfectant, and was not nonpoisonous and harmless, and the article, when used as directed, would not be effective for the above purposes.

On April 24, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1190. Misbranding of D-O-D specific No. 3. U. S. v. 8 Cans of D-O-D Specific No. 3. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1518. S. No. 2879.)

On April 1, 1930, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 cans of D-O-D specific No. 3. It was alleged in the libel that the article had been shipped on or about February 6, 1930, by the C. Nelson Smith Co. (Inc.), Milwaukee, Wis., from the State of Wisconsin into the State of Illinois, and that having been so transported, it remained in the

original packages at Spring Valley, Ill., and that it was a misbranded fungicide within the meaning of the insecticide act of 1910.

It was alleged in the libel that the article was misbranded in that the following statements on the label and in the accompanying booklet, (label) "D-O-D Disinfectant and Deodorant destroys offensive smells," (booklet) "D-O-D * * * 3 times more efficient than Carbolic Acid Yet is Non-Poisonous. * * * Carbolic Acid is generally conceded standard * * * Remember D-O-D chemically compared is more than three times as efficient and is taken Internally by Drink or Douche with Safety. * * * Bad odors occur in and around the home. The surrounding air is often laden with disease. D-O-D when sprayed in fine mist kills odors, has none of its own and leaves the air sweet and fresh. Use a solution of one teaspoonful of D-O-D with one gallon of warm water * * * D-O-D kills all odors and has none of its own," were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that the article was not three times more efficient and effective than carbolic acid, it was not nonpoisonous, and when used as directed, it would not destroy all offensive smells, would not kill all odors, would not disinfect the air, and would not make vitiated air sweet and fresh.

Misbranding was alleged for the further reason that the article consisted partially of inert substances, to wit, substances other than potassium permanganate, which said substances do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of each and every inert substance present therein were not stated plainly and correctly on the label; nor, in lieu thereof, were the name and percentage amount of the substances or ingredients of the article having fungicidal properties, and the total percentage of the said inert substances, stated plainly and correctly on the label.

On June 3, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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